

THE PROPOSED REPEAL OF THIS RULE RECEIVED FINAL APPROVAL BY THE UTAH STATE BOARD OF EDUCATION ON MAY 3, 2007. THE RULE HAS BEEN FILED WITH THE DIVISION OF ADMINISTRATIVE RULES AND IS SCHEDULED TO BE PUBLISHED IN THE JUNE 1, 2007 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF JULY 9, 2007.

**R277. Education, Administration.**

**~~[R277-617. Authorization of Student Clubs and Organizations.~~**

**~~R277-617-1. Definitions.~~**

- ~~A. "Board" means Utah State Board of Education.~~
- ~~B. "Club" means an organization for students that meets outside of regular classroom hours in a school.~~
- ~~C. "School club" means a club organized and directed by school sponsors.~~
- ~~D. "Supervised student club" means a club organized and operated by students with the permission of school authorities, and operated by students under the close supervision of a faculty supervisor.~~
- ~~E. "Monitored student club" means a club organized and operated by students with the permission of school authorities; a faculty monitor is assigned to the club to provide support as necessary and to monitor activities to ensure compliance with applicable school policies.~~

**~~R277-617-2. Authority and Purpose.~~**

- ~~A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board; provides direction to local boards under Section 53A-3-419; and reflects principles set forth by the United States Supreme Court in addressing the authority and responsibilities of public school officials:~~
  - ~~(1) "The undoubted freedom to advocate unpopular and controversial views in schools and classrooms must be balanced against the society's countervailing interest in teaching students the boundaries of socially appropriate behavior." Bethel v. Fraser, 478 U.S. 675 (1986)~~
  - ~~(2) "A school need not tolerate student speech that is inconsistent with its 'basic educational mission,' even though the government could not censor similar speech outside the school." Hazelwood School Dist. v. Kuhlmeier, 484 U.S. 260 (1988)~~
  - ~~(3) "We have also recognized an interest in protecting minors from exposure to vulgar and offensive spoken language. . . . [v]ulgar speech and lewd conduct is [sic] wholly inconsistent with the fundamental values of public education." Bethel v. Fraser, 478 U.S. 675 (1986)~~
  - ~~(4) "[The Equal Access Act] does not limit a school's authority to prohibit meetings that would 'materially and substantially interfere with the orderly conduct of educational activities within the school' . . . [and] also preserves 'the authority of the school, its agents or employees, to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at~~

THE PROPOSED REPEAL OF THIS RULE RECEIVED FINAL APPROVAL BY THE UTAH STATE BOARD OF EDUCATION ON MAY 3, 2007. THE RULE HAS BEEN FILED WITH THE DIVISION OF ADMINISTRATIVE RULES AND IS SCHEDULED TO BE PUBLISHED IN THE JUNE 1, 2007 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF JULY 9, 2007.

~~meetings is voluntary."~~ ~~Board of Education v. Mergens, 496 U.S. 226 (1990)~~

~~B. The purpose of this rule is to provide guidance to local school boards regarding:~~

- ~~(1) authorization of clubs;~~
- ~~(2) protecting the physical, emotional, psychological, and moral well-being of students;~~
- ~~(3) maintaining order and discipline on school premises; and~~
- ~~(4) preventing material and substantial interference with the orderly conduct of a school's educational activities.~~

### **~~R277-617-3. Authorization of Clubs.~~**

~~A. A local school board may authorize the following types of clubs by grade level:~~

- ~~(1) Grades K-6: only school clubs may be authorized in any of grades K-6.~~
- ~~(2) Grades 7-9: both school clubs and supervised student clubs are permissible in grades 7-9, except as provided in R277-617-3C.~~
- ~~(3) Grades 10-12: school clubs, supervised student clubs, and monitored student clubs are permissible in grades 10-12.~~

~~B. Each local school board shall adopt policies governing the establishment of clubs in the schools of the district. The policies shall include the following:~~

~~(1) Students or school staff seeking authorization to establish a club shall prepare a club charter setting forth the name and purposes of the club, describing the types of activities in which club members may be engaged, and establishing limitations upon club activities. Those limitations shall include prohibitions against:~~

~~(a) Action or advocacy of imminent action which violates the law or administrative rule; this prohibition shall not apply to appropriate discussions concerning the changing of laws or rules, or actions taken through appropriate channels or procedures to effectuate such changes.~~

~~(b) Advocacy or approval of sexual activity outside of marriage, or presentations in violation of laws or regulations governing sex education or privacy rights of families or individuals.~~

~~(c) Action or advocacy of imminent action involving the harassment or the denigration of any person.~~

~~(d) Action or advocacy of imminent action with the intent to cause a person to fear to freely exercise or enjoy any right secured by the Constitution or laws of the United States or the state of Utah.~~

~~(2) Authorization to establish a club may not be granted unless the authorizing authority has made a specific finding that~~

THE PROPOSED REPEAL OF THIS RULE RECEIVED FINAL APPROVAL BY THE UTAH STATE BOARD OF EDUCATION ON MAY 3, 2007. THE RULE HAS BEEN FILED WITH THE DIVISION OF ADMINISTRATIVE RULES AND IS SCHEDULED TO BE PUBLISHED IN THE JUNE 1, 2007 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF JULY 9, 2007.

~~the club, if approved, would be in compliance with Section 53A-3-419.~~

~~(3) Selection and appointment of club sponsors, supervisors, and monitors shall be the responsibility of the school principal unless another person is designated in the board policy.~~

~~C. Religious clubs may be permitted for students in grades 7-12. Such clubs shall be authorized as monitored clubs.~~

~~D. Clubs shall not engage in or conduct mental health therapy, counseling or psychological services for which a license would be required under Title 58, Chapters 60 or 61.~~

~~E. A local board may permit administrative review and approval of club applications, but shall provide for an appeal by a student directly affected by an administrative decision.~~

~~F. A local board may delegate to schools the authority to decide the following, provided that all clubs of a given type (i.e. supervised or monitored student clubs) are given equal access:~~

~~(1) the time and place that a club may meet; and~~

~~(2) club access to the school newspaper, yearbook, bulletin boards, public address system, or any combination of the foregoing.~~

~~G. A local board may require informed, written parental consent prior to a student's attending or joining a club, provided that any such rule shall apply to all clubs of the grade level and type (school, supervised, monitored) in question.~~

~~H. A local board policy may provide for approval of a club name in an action separate from that relating to the approval of the club itself. The board may require:~~

~~(1) that a club name reasonably reflect the nature, purposes and activities of the club; and~~

~~(2) that the club name be such that it would not result in undue disruption of school operations, subject students to harassment or persecution, imply that the club would operate in violation of Section 53A-3-419 or other law or rule, or imply inappropriate association with outside organizations or groups.~~

~~I. A local board may limit access to clubs by persons who are not part of the school, including prohibiting outside persons from directing, conducting, controlling, or regularly attending club meetings.~~

~~J. A local board may adopt additional policies governing clubs in accordance with the board's obligation to teach students the boundaries of socially appropriate behavior and to restrict activities which are harmful or contrary to the basic educational mission of the school. A board may also adopt additional policies which it finds to be necessary to protect the rights of parents and students; to protect the well-being of students and faculty; to maintain order and discipline on school premises; or to prevent material and substantial interference with the orderly conduct of a school's educational activities.~~

THE PROPOSED REPEAL OF THIS RULE RECEIVED FINAL APPROVAL BY THE UTAH STATE BOARD OF EDUCATION ON MAY 3, 2007. THE RULE HAS BEEN FILED WITH THE DIVISION OF ADMINISTRATIVE RULES AND IS SCHEDULED TO BE PUBLISHED IN THE JUNE 1, 2007 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF JULY 9, 2007.

~~K. A local board which permits the formation of non-curricular related clubs may not adopt a policy prohibiting the formation of such a club simply on the basis of the controversial nature of the proposed club if the activities and assurances set forth in the charter and application are consistent with applicable laws and rules.~~

~~L. Local boards shall provide for oversight of club programs and activities to ensure compliance with the approved club charter and applicable laws and rules. Board policies shall set forth procedures and penalties applicable to cases of noncompliance.~~

**~~R277-617-4. Limiting Authorization to Curriculum Related Clubs~~**

~~A. A local board may limit, or permit a secondary school to limit, clubs to those which are curriculum related.~~

~~B. A curriculum related club is defined as follows:~~

~~(1) The subject matter of the club is actually taught or soon will be taught in a regular course;~~

~~(2) The subject matter of the club concerns the body of courses as a whole;~~

~~(3) Participation in the club is required for a particular course; or~~

~~(4) Academic credit is given for participation in the club.~~

**~~KEY: extracurricular activities~~**

**~~Date of Enactment or Last Substantive Amendment: February 19, 1997~~**

**~~Notice of Continuation: February 2, 2007~~**

**~~Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-3-419]~~**